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10/672,203	09/24/2003	Shang Jui Wang	Lyp3011	8956

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EXAMINER

WARTALOWICZ, PAUL A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,203

Applicant(s)

WANG, SHANG JUI

Examiner

Paul A. Wartalowicz

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate "lower legs", "legs", and "block legs". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show " 27' " as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "5", " 5' ", and " 5'' " have both been used to designate "kraft paper protecting envelope". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to under 35 U.S.C 112, first paragraph as failing to adequately teach how to make and/or use the invention, i.e. failing to provide an enabling disclosure.

In the specification, page 2, lines 24-25, the phrase "The honeycomb stacking cardboard is formed by a flat plate" does not reasonably provide enablement for an article. Is there a process by which the flat constructs the honeycomb stacking cardboard? In the specification, page 3, lines 1, 4, and 7, page 4, lines 17 and 22,

page 5, lines 1, 4, and 8, page 6, lines 3 and 10, the word "by" is used similarly. In the specification, page 6 line 14, the phrase "transversal slots 28 are formed so that" does not reasonably provide enablement for an article. What process constructs the transversal slots? Correction and/or clarification is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the function of the semicolon in line 3 and 4 is unclear. The claim should be in one paragraph. It is vague and indefinite as to what the limitations of the claims are. Correction and/or clarification is required.

In claims 1-4, the description of "upper leg", "top plates", "bottom plates", and "lower leg" are indefinite. Distinct limitations and definitions are needed to provide structure for these claims.

The claims should positively set forth the structure for the claimed water proof safety honeycomb stacking cardboard, i.e. the claim is incomplete for the product because it is unclear that the claimed honeycomb stacking cardboard includes a flat plate, top plate, and bottom plate.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Correction and/or clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Juvik-Woods ('937).

Juvik-Woods ('937) teaches an environmental protection water-proof safety (col. 2, lines 3-4; col. 5, lines 44-46) honeycomb stacking cardboard (col. 1, lines 9-11) being formed by a flat plate (fig 7, #706) and a plurality of legs (fig 2, #204) below the flat plate (fig 7, #706); the flat plate (fig 7, #706), upper leg (fig 2, #200) and lower leg (fig 2, #204) being made by a plurality of honeycomb plates (col. 1, lines 9-11), top plates (fig 7, #708) processed by water-proof procedure and gluing procedure (col. 5, lines 44-46 and 58-59) being adhered on upper sides of the flat plate (fig 7, #706) and bottom plates (fig 7, #704) processed by water-proof procedure and gluing procedure (col. 5, lines 44-46 and 58-59) being adhered on lower sides of the flat plate (fig 7, #706) and legs; characterized in that: Each leg is a long post (fig 2, #204) includes an upper leg (fig 2, #200) and lower leg (fig 2, #204); a periphery of the flat plate is covered by a water-proof kraft paper (fig 2, #202; col. 3, lines 56-57) edge protecting cover with each side having an L shape (fig 2, #202); the exposed outside of each leg is enclosed by a water-proof kraft paper protecting envelope (fig 2, #206). As to claims 2-4, Juvik-Woods ('937) teaches an environmental protection water-proof safety honeycomb stacking cardboard wherein each leg is formed by an upper leg and lower leg and a kraft paper protecting envelope; the legs are arranged with an equal space in one dimension so as to be formed with a plurality of grooves which are arranged longitudinally (fig 1, #102, 104), a configuration wherein the legs are arranged with an equal space in two dimensions so as to be formed with a plurality of grooves (fig 3, #204) which are

arranged longitudinally and transversely (fig 3, #304, 306), and a configuration wherein each leg is formed by three block upper legs (fig 9, #902, 904, 906), a long lower leg (fig 9, #902) and a kraft paper protecting envelope fig 3, #310) as to be formed as a leg with two slots; the legs arranged at equal distance (fig 9, #906); thereby a plurality of longitudinal grooves (fig 1, #102) and transversal slots (fig 9, #902, 904, 906) are formed.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Juvik-Woods ('050).

Juvik-Woods ('050) teaches an environmental protection water-proof safety (col. 7, lines 32-33; col. 2, lines 35-37) honeycomb stacking cardboard (col. 1, lines 9-11) being formed by a flat plate (fig 1A, #116) and a plurality of legs (fig 1A, #102) below the flat plate (fig 1A, #116); the flat plate (fig 1A, #116), upper leg (fig 1A, #100) and lower leg (fig 1A, #102) being made by a plurality of honeycomb plates (col. 1, lines 9-11), top plates (col. 3, lines 38-40) processed by water-proof procedure and gluing procedure (col. 4, lines 60-62; col. 7 lines 32-33) being adhered on upper sides of the flat plate (fig 1A, #116) and bottom plates (col. 3, lines 38-40) processed by water-proof procedure and gluing procedure (col. 4, lines 60-62; col. 7 lines 32-33) being adhered on lower sides of the flat plate (fig 1A, #116) and legs; characterized in that: Each leg is a long post (fig 1A, #102) includes an upper leg (fig 1A, #102) and lower leg (fig 1A, #100); a periphery of the flat plate is covered by a water-proof kraft paper (fig 1A, #100; col. 4, lines 47-49) edge protecting cover with each side having an L shape (fig 1A, #116); the exposed outside of each leg is enclosed by a water-proof kraft paper protecting

envelope (fig 1A, #100; col. 4, lines 47-49). As to claims 2 and 3, Juvik-Woods ('937) teaches an environmental protection water-proof safety honeycomb stacking cardboard wherein each leg is formed by an upper leg and lower leg and a kraft paper protecting envelope; the legs are arranged with an equal space in one dimension so as to be formed with a plurality of grooves which are arranged longitudinally (fig 3A), a configuration wherein the legs are arranged with an equal space in two dimensions so as to be formed with a plurality of grooves (fig 3A) which are arranged longitudinally and transversely (fig 3A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juvik-Woods ('050) in view of Benner (US 2002/0189507).

Juvik-Woods ('050) teaches an environmental protection waterproof safety honeycomb stacking cardboard as described above. However, Juvik-Woods ('291) fails to teach a configuration wherein each leg is formed by three block upper legs, a long lower leg and a kraft paper protecting envelope so as to be formed as a leg with two slots, the legs are arranged with an equal distance; thereby, a plurality of longitudinal grooves and transversal slots are formed.

Benner teaches a pallet deck constructed of honeycomb plates (paragraph 0028, lines 1-2) that have more than one layer of corrugated material for the purpose of stacking heavy items (paragraph 0028, lines 7-9).

Thus, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a pallet deck with a top and bottom plate in Juvik-Woods ('291) in order to accommodate heavy loads as taught by Benner.

As to claim 3, Juvik-Woods ('291) teaches an environmental protection waterproof safety honeycomb stacking cardboard wherein the legs are arranged with an equal space in one dimension so as to be formed with a plurality of grooves which are arranged longitudinally (fig 4B).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juvik-Woods ('291) teaches a environmental protection water-proof safety honeycomb stacking cardboard comprising a flat plate, upper leg, lower leg, water-proof


and gluing and water-proof procedure. Juvik-Woods ('050) also teaches legs that are arranged with an equal space in one dimension so as to be formed with a plurality of grooves which are arranged longitudinally.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Wartalowicz whose telephone number is (571) 272-5957. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul Wartalowicz
May 17, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/24/05